



April 11, 2024

Sent By Certified Mail

Kevin Strickland  
Greater Kudu, LLC  
4250 Messenger Loop NW  
Los Lunas, NM 87031

Re: Air Quality Permit Application No. 7026M6 (Agency Interest No. 37303 - PRN20240003)

Dear Kevin Strickland:

This letter is in response to your air quality permit application dated March 11, 2024 to modify the Greater Kudu - Los Lunas Facility near Los Lunas, New Mexico in Valencia County. The application was received by the Department on March 18, 2024. This letter addresses the Completeness Determination, Legal Notice and Comment, and Invoice for Permit Fee and is intended for use by the applicant, interested individuals and groups, and the appropriate NMED Field Office.

Completeness Determination

A preliminary review has been completed and the information provided is sufficient to complete an evaluation of your permit application. Therefore, your application was ruled administratively complete on April 11, 2024. Under the requirements of 20.2.72 NMAC, the Department anticipates issuing or denying this permit on or before July 10, 2024.

Public Notice and Comment

The Department will publish a legal notice that will be sent to the NMED district or field office nearest the source (see enclosed). It describes the proposed facility, a summary of estimated emissions and ambient impact, the Department's preliminary intent to issue the permit, and the provisions for public comment.

The Department's analysis includes the Statement of Basis and is prepared as part of the technical review of the permit application. All interested persons have thirty (30) days from the date the public notice is published to notify the Department in writing of their interest in the permit application. The Department will notify all such persons of when and where the Department's analysis may be reviewed. Interested persons may review the Department's analysis for thirty (30) days after it becomes available at the NMED district or field office nearest the source. Written comments on the analysis or permit application and requests for a public hearing may be submitted to the Department during this second thirty (30) day period or any time before the permit is issued or denied.

The Department will hold a public hearing if the Secretary determines there is significant public interest in the permit application. The Department will also determine the time, date, and place of the hearing and shall notify

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the applicant and the public. At the hearing, all interested persons shall be given a reasonable chance to submit data, views or arguments orally or in writing, and to examine witnesses testifying at the hearing.

After the permit is issued or denied, the Department will mail written notice of the action taken on a permit application to all persons who submitted written comments or evidence on the application.

Invoice for Permit Fee

In accordance with 20.2.75 NMAC, this letter includes an invoice for the required permit fee in the amount of \$8,680.00. This fee is due within thirty (30) days of the date ruled administratively complete. 20.2.75 NMAC states that the Department shall deny any permit application or request for permit revision if the required permit fee has not been paid. This fee is not refundable. An enforcement/compliance fee will also be assessed annually. All fees shall be remitted in the form of a corporate check, certified check, or money order made payable to the New Mexico Environment Department and shall be accompanied by the enclosed remittance slip. Fees shall be submitted to NM Environment Department, AQB at the address shown on the invoice.

20.2.72.200.E NMAC states: "for all sources subject to this regulation applications for permits shall be filed prior to the commencement of construction, modification, or installation. Regardless of the anticipated commencement date, no construction, modification, or installation shall begin prior to issuance of the permit."

If you have any questions please contact me in Santa Fe at 505-629-7843.

Sincerely,



Joseph Mashburn  
Air Permit Specialist  
Permits Section  
Air Quality Bureau

cc via email: Eri Ottersburg, eottersburg@ramboll.com  
cc via regular mail: Los Lunas NMED Field Office  
cc via regular mail: District 3: Mid-Region Council of Governments

Enclosures Sent with Letter:

- Legal Notice
- Permit fee invoice (applicant only)
- Attachment B – Field Office Request (NMED Los Lunas Field Office only)

Legal Notice only to EPA Region 6 at r6airpermits@epa.gov  
Legal Notice only to Erica LeDoux, EPA Region 6 at LeDoux.Erica@epa.gov  
Legal Notice only to Elizabeth Layton, EPA Region 6 at Layton.mary@epa.gov

**\*Minor and Major Source Emission Inventory in 2023\***

P.S. The NM Environment Department – Air Quality Bureau (Bureau) will conduct a Minor and Major Source Emissions Inventory (per 20.2.73.300 NMAC) for calendar year 2023. This inventory will apply to all sources with air quality construction permits (20.2.72 NMAC), including General Construction Permits (GCPs), and Title V Operating Permit (20.2.70 NMAC). It will also apply to Notices of Intent (NOIs) sources (20.2.73 NMAC). Facility-wide emissions during the calendar year 2023 must be calculated and reported to the Bureau during the period of January 1 through April 1, 2024, using the online reporting tool specified by the Bureau.

We encourage you to sign up for the Minor and Major Source Emissions Inventory bulletins at: <https://public.govdelivery.com/accounts/NMED/subscriber/new> to receive updates and guidance on the implementation of this requirement.

Legal Notice  
and  
Preliminary Determination for an Air Quality Permit for  
**Greater Kudu, LLC**

Greater Kudu, LLC at 4250 Messenger Loop, Los Lunas, NM has submitted an air quality permit application to the Air Quality Bureau (AQB), New Mexico Environment Department (NMED) for an air quality permit to modify the Los Lunas Facility. The application file has been assigned Permit No. 7026M6 and TEMPO Agency Interest No. 37303. The exact location of the facility is at latitude and longitude decimal degrees: 34.828611, -106.781389 Datum: NAD83. This facility is located within the Village of Los Lunas in Valencia County, NM.

The proposed modification includes: (1) change the make and model of two of the Group 2 generators and designate these as new Group 6 generators and (2) allow the use of both ultra-low sulfur fuel (ULSD) and renewable diesel conforming to EN15940 and ASTM D975 specifications for petroleum, including hydrotreated vegetable oil (HVO), in all emergency generators. The applicant also proposes to install and operate a third diesel-fired fire water pump, which is exempt from permitting per 20.2.72.202.A(4) NMAC.

Total air pollutant emissions to the atmosphere are estimated to be approximately Nitrogen Oxides (NO<sub>x</sub>) at 99.9 tons per year (tpy); Carbon Monoxide (CO) at 99.9 tpy; Volatile Organic Compounds (VOC) at 21.9 tpy; Sulfur Dioxide (SO<sub>2</sub>) at 0.12 tpy; Particulate Matter 10 microns or less (PM<sub>10</sub>) at 22.4 tpy, and Particulate Matter 2.5 microns or less (PM<sub>2.5</sub>) at 22.4 tpy; Total Hazardous Air Pollutants (Total HAPs) at 0.13 tpy; and greenhouse gas (CO<sub>2</sub>e) < 75,000 tpy. These emission estimates could change slightly during the course of the Department's review of the application.

The NMED has conducted a preliminary review of the information submitted with the permit application. The preliminary review and applicant's analysis of ambient air quality impacts indicates that the facility's air emissions will meet the air quality standards for NO<sub>x</sub>, CO, SO<sub>2</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. VOCs are a pre-cursor to ozone and the NMED does not require an individual ozone ambient impact analysis for each application. To determine compliance with national ambient air quality standards for ozone, NMED uses air monitors to monitor ozone concentrations. A full review will evaluate the estimated emission rates for the pollutants listed in this public notice and determine compliance with ambient air quality requirements and standards.

Based on the applicant's analysis, a preliminary determination is that this facility will comply with the requirements of Title 20, New Mexico Administrative Code (NMAC), Chapter 2, Parts 1, 3, 61, 72, 73, 75, 77, and 82; 40 CFR 50; 40 CFR 60 Subparts A and III; 40 CFR 63 Subparts A and ZZZZ; and the New Mexico Air Quality Control Act.. Therefore, the preliminary intent of NMED is to issue the air quality permit on or before July 10, 2024. This source is a PSD minor source according to 20.2.74 NMAC.

To ensure compliance with state and federal air regulations, the permit is expected to include conditions that limit the emissions, hours of operation, production rate, and conditions that will require record keeping and reporting to the Department.

The permit application is available for review on the AQB Public Notices of Permitting Actions website [www.env.nm.gov/public-notices](http://www.env.nm.gov/public-notices).

All interested persons have thirty (30) days from the date this notice is published to notify the Department in writing of their interest in the permit application. The written comments should refer to the company name, facility name and Permit No. (or send a copy of this notice along with your comments). The written comments

## Attachment A – Legal Notice

shall state the nature of the issues raised and how it relates to the requirements of applicable state and federal air quality regulations and the Clean Air Act. The written comments should be mailed to Joseph Mashburn, New Mexico Environment Dept., Air Quality Bureau, Permit Section, 525 Camino de los Marquez Suite 1, Santa Fe, NM 87505-1816, or submitted by email to [joseph.mashburn@env.nm.gov](mailto:joseph.mashburn@env.nm.gov). Comments may also be submitted electronically via the NMED public comment portal online at: <https://nmed.commentinput.com/comment/search>.

The Department will notify all persons, who have provided written comments as to when and where the Department's analysis may be reviewed. Although all written comments will be made part of the public record, any person who does not express interest in writing before the end of this first thirty (30) day period will not receive such notification.

If the Department receives written public comment before the end of the Department's thirty (30) day public notice, the Department's analysis will be made available for review for thirty (30) days at the NMED district or field office nearest to the source before the permit will be issued. Written comments on the analysis or permit application may be submitted to the Department during this second thirty (30) day period or at any time before the permit is issued or denied.

Questions or comments not intended to be part of the public record can be directed to Joseph Mashburn at 505-629-7843. General information about air quality and the permitting process can be found at the Air Quality Bureau's web site. The regulation dealing with public participation in the permit review process is 20.2.72.206 NMAC. This regulation can be found in the "Permits" section of this web site.

### **Atención**

Este es un aviso de la oficina de Calidad del Aire del Departamento del Medio Ambiente de Nuevo México, acerca de las emisiones producidas por un establecimiento en esta área. Si usted desea información en español, por favor comuníquese con esa oficina al teléfono (505) 629-3395.

### **Notice of Non-Discrimination**

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Part 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, or if you believe that you have been discriminated against with respect to a NMED program or activity, you may contact: Non-Discrimination Coordinator, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, [nd.coordinator@env.nm.gov](mailto:nd.coordinator@env.nm.gov). You may also visit our website at <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> to learn how and where to file a complaint of discrimination.

## Attachment B – Field Office Request

### District or Field Office Request

- The attached completeness letter and Legal Notice, which include website links, are being sent to your office in accordance with 20.2.72.206 NMAC - Public Notice and Participation, which states: "the Department shall make available for public inspection the permit application, the Department's analysis, and the Department's preliminary determination. This material shall be available both at the Department's central office and the district or field office nearest to the proposed source." The Legal Notice contains the Department's preliminary determination.
- The following website link on the **NMED Public Participation webpage** shows where the public may go to find documents for this permit action, such as application, draft permit, and Department analysis:

<https://www.env.nm.gov/public-notice/>

For this permit action scroll down to **Valencia County** to find documents loaded to the website and look for Greater Kudu, LLC-Greater Kudu - Los Lunas Facility.

**Public Notices**

This page lists public notices for rulemakings, permitting actions and any appeals of the action. Any rulemaking hearing or specific permitting or enforcement matter appealed to a board, commission or Environment Department Secretary is found on our [Docketed Matters webpage](#) once it is docketed.

Historical actions (e.g., public notices and associated documents) are archived on the previous NMED site.

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- The public may also submit comments online via the NMED Public Comment Portal at link below:  
<https://nmed.commentinput.com/comment/search>

**NMED**  
New Mexico  
Environment  
Department

**The New Mexico Environment Department**

Type:  County:  Status:  Division:  Sort: